



Corres. and Mail  
**BOX AF**

Response Under 37 C.F.R. § 1.116  
Expedited Procedure  
Examining Group 2827

PATENT  
Attorney Docket No. 063101-5004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	Confirmation No. 2104
	)	
James STEPHENSON, <i>et al.</i>	)	
	)	
Application No.: 10/039,296	)	Group Art Unit: 2827
	)	
Filed: October 19, 2001	)	Examiner: C. Yoha
	)	
For: NON-VOLATILE MAGNETIC MEMORY	)	
DEVICE	)	<b>Mail Stop AF</b>

Commissioner for Patents  
U.S. Patent and Trademark Office  
**Customer Window, Mail Stop AF**  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

**AMENDMENT UNDERTRANSMITTAL FORM**

1. Transmitted herewith is an Amendment in response to the final Office Action dated October 14, 2005.
2. Additional papers enclosed.

- ☐ Drawings: ☐ Formal ☐ Informal
- ☐ Request for Approval of Drawing Change to Figures \_\_\_\_
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, 1 reference included
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☒ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.

☐ Applicants petition for an extension of time, the fees for which are set out in 37 CFR 1.17(a)-(d), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$225.00
<input type="checkbox"/> three months	\$1020.00	\$510.00
<input type="checkbox"/> four months	\$1590.00	\$795.00

If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for \_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	8	Minus	81	0	x \$50.00 each=	+ \$0.00
Independent Claims (37 C.F.R. §1.16(b))	4	Minus	4	0	x \$200.00 each=	+ \$ 0.00
[ ] First presentation of Multiple dependent claim(s)					\$360.00	+ \$ 0.00
SUB-TOTAL =						\$ 0.00
Reduction by 1/2 for filing by a small entity-						\$
TOTAL FEE =						\$ 0.00

6. Fee Payment

☐ No fee is to be paid at this time.

☐ Please charge our Deposit Account No. 50-0310 in the amount of \$0.00 for the \_\_\_\_\_ fee.

☒ The Commissioner is hereby authorized to charge any additional fees including fees due under 37 CFR §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: January 12, 2006

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Alexandria, VA 22314

Sir:

**AMENDMENT UNDER 37 C.F.R §1.116**

In response to the final Office Action issued on October 14, 2005, the period for response extending until January 14, 2006, please enter the following amendments.